

**CITY ATTORNEY SUBCOMMITTEE MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** City Attorney Subcommittee Meeting Minutes  
**Date:** Tuesday, May 9, 2006  
**Time:** 5:00 PM (City Manager's Conference Room)  
**Location:** City Manager's Conference Room  
Milpitas City Hall  
455 East Calaveras Blvd.

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**ROLL CALL**

The meeting was called to order at 5:00 p.m. with Councilmember Polanski, Steve Mattas and Charles Lawson present. Councilmember Giordano joined the meeting at 5:03.

1. Steve Mattas provided an update on the status of expenses for fiscal year 2005-2006. Steve indicated that the City Attorney's office would maintain expenditures within the 95% budget target established by the City Council and City Manager. He further indicated that to meet the target the City would have to monitor closely legal expenses for the remainder for the fiscal year. Steve also mentioned that the two litigation matters involving *Milpitas v. San Jose* (CEQA challenge) and *Nelson v. Milpitas* (challenge to the fire inspection fee amount) were funded through the general legal services allocation as opposed to separate litigation funding. Finally, Steve mentioned that the year to date costs for arbitration/grievances/PERB hearings was approximately \$18,000 out of a \$100,000 budget for the fiscal year.

2. Steve advised the subcommittee of an outstanding invoice for labor negotiation services provided in fiscal year 2004-2005. The specific negotiations involved the LIUNA contract. The original amount for the services was \$36,000 on a fixed fee basis. The actual costs incurred were approximately \$25,000. Given the delay in submission of the invoice, Steve requested that the subcommittee authorize settlement of the invoice for a total amount of \$18,000. The Subcommittee approved the request. There is existing purchase order authority to pay the invoice.

**CLOSED SESSION:**

3. The subcommittee then entered into closed session to discuss the following items:
- a. Public Employee Appointment and Performance Evaluation;
  - b. Conference with Legal Counsel – Existing Litigation (*Preston Pipeline v. City of Milpitas*);
  - c. Conference with Legal Counsel – Existing Litigation (*Sowards v. City of Milpitas, Milpitas Police Department, et al.*).

The Subcommittee came out of the closed session at 5:40 pm. The Subcommittee, in concurrence with the recommendation of the City Attorney, requested that the City Attorney's evaluation be scheduled. The Subcommittee also requested that the City Manager distribute an evaluation form related to City Attorney services to all department heads and that a summary of the results be presented to the Subcommittee and then ultimately to the City Council. There were no additional closed session announcements.